



2. As set forth at length in Plaintiff's Memorandum in Support, attached hereto, each of the inadmissible and improper statements of Dr. Smith should be excluded.

3. In support of their motion, Plaintiffs incorporate by reference their Memorandum in Support, filed herewith.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order precluding the Defendant from introducing any expert testimony or opinions concerning the credibility of Plaintiffs or any other witnesses, from making any comments or argument to the jury concerning "secondary gain", or otherwise attempting to discredit plaintiffs for exercising their right to utilize the judicial system to seek recovery for their injuries.

DOWD & DOWD, P.C.

BY: /s/ DOUGLAS P. DOWD  
DOUGLAS P. DOWD (29240)  
Attorneys for Plaintiffs  
100 North Broadway, Suite 1600  
St. Louis, Missouri 63102  
314/621-2500 Fax, 314/621-2503

#### **CERTIFICATE OF SERVICE**

A copy of the foregoing was served by operation of the Court's electronic filing system this 10th day of March, 2008 to Mr. Thomas Magee, Attorneys for Defendant, Moser & Marsalek, P.C., 200 North Broadway, Suite 700, St. Louis, Missouri 63102, 314-421-5640 (fax) and N. Scott Rosenblum, Rosenblum, Schwartz & Rogers, P.C., 120 South Central Avenue, Suite 1550, Clayton, Missouri 63105, 314-862-8050 (fax).

/s/ DOUGLAS P. DOWD  
DOUGLAS P. DOWD